

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Clerk's Minutes
Before the Honorable Judith C. Herrera

Case No. **CR 05-1849 JH** Date: **September 14, 2005**

Title: **USA v. Barbara Hanna**

Courtroom Clerk: **Elizabeth Davis** Court Reporter: **Julie LaBadia**

Court in Session: **10:00 a.m.** Court in Recess: **10:30 a.m.**

Type of Proceeding: **Govt's Motion to Revoke Magistrate Judge's Release Order
(Doc. 57)**

Court's Rulings/Disposition: **Court denies Govt's Motion to Revoke**

Attorney(s) Present for Plaintiff(s): Attorney(s) Present for Defendant(s):

James R.W. Braun, AUSA

L. Val Whitley

Proceedings:

- 10:00 a.m.** Court in session. Counsel state their appearance.
- 10:01 a.m.** AUSA presents its case. Govt requests that Pretrial Services' recommendation and states that the deft is a risk of flight.
- 10:05 a.m.** Mr. Whitley responds.
- 10:14 a.m.** Court questions the 2001 loan application the Govt presented. Counsel responds that deft is not aware of loan. Counsel proceeds. Counsel requests the Court to refer to Magistrate's Order of Detention.
- 10:15 a.m.** Govt replies. Govt requests that if the deft testifies that she be sworn under oath.
- 10:17 a.m.** Counsel responds.
- 10:18 a.m.** Court asks counsel if the deft will be testifying. Counsel informs the Court that it has presented its case. Nothing more from the Govt.

- 10:19 a.m.** Court finds that the deft has met the burden that she is not a flight risk with the proof of evidence provided. Deft has lengthy ties to the community. Deft has no criminal history. Deft has been in the Santa Fe community approximately 14 years. Court notes that the Govt provided information of its concern with respect to the use of aliases and the cash found on deft's person. Court finds that the Magistrate's Order sufficiently provides safeguards for the deft's appearance. Court will not revoke the Magistrate's Order allowing the release of the deft. Court will allow deft to continue release on conditions set forth by Magistrate Judge Torgerson. Court informs deft Hanna that she will be closely monitored and that if there is any violation, deft will be held in custody.
- 10:28 a.m.** Counsel requests that he be appointed as CJA counsel. Court informs counsel that CJA appointments are handled by the Magistrate Division.
- 10:30 a.m.** Court in recess.